

CALIFORNIA CODES
EDUCATION CODE

8286. The Governor shall appoint an **advisory committee** composed of one representative from the State Board of Education, one representative of private education, one representative of child welfare, one representative of private health care, two representatives of proprietary child care agencies, one representative of a community action agency qualified under Title II of the Economic Opportunity Act of 1969, two representatives of family day care homes, one representative of a child care provider exempt from licensure, five parents of children participating in child care programs of whom at least three shall be parents of children participating in publicly subsidized child development programs, and one shall be a parent of a child receiving care from a child care provider exempt from licensure, appointed from names selected by a democratic process to assure representation of the parents of children being served, four persons representing professional or civic groups or public or nonprofit private agencies, organizations or groups concerned with child development, one person who administers a public school child care program established pursuant to Article 22 (commencing with Section 8460), one person who administers a county office of education school age child care program established pursuant to Article 22 (commencing with Section 8460), and one teacher currently serving in a public school children's center. The **advisory committee** shall also include one representative from the State Department of Education appointed by the Superintendent of Public Instruction, and one representative each from the Employment Development Department, the State Department of Social Services, the State Department of Health Services, and the State Department of Developmental Services, appointed by the respective director of each department. The **advisory committee** shall assist the State Department of Education in developing a state plan for child development programs pursuant to this chapter. The **advisory committee** shall provide ongoing coordination and communication to local child care planning councils to facilitate activities and provide technical assistance as needed. The **advisory committee** shall continually evaluate the effectiveness of those programs and shall report thereon at each regular session of the Legislature. The **advisory committee** shall assist in and coordinate the drafting of guidelines for local planning councils pursuant to Chapter 2.5 (commencing with Section 8499) of Part 6. The **advisory committee** shall request state and local agencies to submit suggested guidelines. The final guidelines shall be drafted and adopted by the committee, in consultation with local child care agencies, local planning councils, the Secretary of Child Development and Education, the State Department of Education, and the State Department of Social Services. The guidelines shall include, but not be limited to, provisions for assessing child care supply, demand, cost, and facility needs, in terms of age, family income level, special needs, and multilingual and multicultural backgrounds. Guidelines developed for programs administered by the State Department of Education shall be concurred in by the department.

8206.1. The Superintendent of Public Instruction shall collaborate with the Secretary of Child Development and Education and the Secretary of Health and Welfare, with the advice and assistance of the **Child Development Programs Advisory Committee**, in the development of the state plan required pursuant to Section 652E(a)(2) of the federal Child Care and Development Block Grant Act of 1990, established by the Omnibus Budget Reconciliation Act of 1990 (Public Law 101-508), prior to submitting or reporting on that plan to the federal Secretary of Health and

Human Services. For the purposes of this section, "collaboration" means to cooperate with and to consult with.

8277.6. (a) For purposes of this section "department" means the Department of Housing and Community Development. (b) The department shall administer the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund. The department may administer the funds directly, through interagency agreements with other state agencies, through contracts with public or private entities, or through any combination thereof. If the department determines that a public or private entity is capable of making child care and development facilities loans or loan guarantees, the department may delegate the authority to review and approve those loans or guarantees to the public or private entity. The department is authorized to enter into an interagency agreement with the Trade and Commerce Agency to carryout the purposes of this section and Section 8277.5 by utilizing the services of small business financial development corporations established pursuant to Chapter 1 (commencing with Section 14000) of Part 5 of Division 3 of the Corporations Code. Toward this end, the department is authorized to transfer funds from the Child Care and Development Facilities Direct Loan Fund to the California Economic Development Grant and Loan Fund established by Section 15327 of the Government Code and to transfer funds from the Child Care and Development Facilities Loan Guaranty Fund to the Small Business Expansion Fund established by Section 14030 of the Corporations Code. Those funds shall be deposited into a Child Care Direct Loan Fund Account and a Child Care Loan Guaranty Fund Account hereby established in the respective funds. Notwithstanding anything to the contrary in Chapter 1 (commencing with Section 15310) of Part 6.7 of Division 3 of Title 2 of the Government Code and Chapter 1(commencing with Section 14000) of Part 5 of Division 3 of the Corporations Code, the funds in these accounts shall be administered in compliance with the requirements of this section and Section 8277.5. (c) Eligible applicants for the loan guaranty program and the direct loan program shall include sole proprietorships, partnerships, proprietary and nonprofit corporations, and local public agencies that provide licensed child care and development services. Facilities that primarily serve households with incomes not exceeding 75 percent of the local median income, as determined from time to time by the United States Department of Housing and Urban Development, shall be given priority in loan guarantees and direct loans made pursuant to this section and Section 8277.5. Eligible facilities shall include full-day and part-day child care and development facilities and family child care homes serving more than six children. (d) Loan guarantees and direct loans for family child care homes serving more than six children are limited to loans for repairs and renovation that are required to maintain a license or, if the family child care provider is otherwise qualified for a license for more than six children, to repairs, renovations, and additions required to obtain a license for more than six children. A family child care home provider shall provide evidence from the community care licensing division that the repairs, renovations, or additions are required to maintain the license or obtain a license for more than six children. Loan guarantees and direct loans for family child care homes shall not be made for the purpose of purchasing a home or any real property. (e) The State Department of Education shall provide program priorities that shall govern the ranking of applications by the department. These priorities shall include, but are not limited to, the following: (1) Geographic priorities based on the extent of need for childcare and development supply-building efforts in different parts of the state. (A) Not less than 30 percent of the loan guarantee and direct loan obligations shall benefit providers located in rural areas, as defined in

subparagraph (B). If the amount of qualified applications from rural providers is insufficient to satisfy this requirement, the excess capacity reserved for rural providers may be made available to other qualified applications according to the policies and procedures of the department. The remaining 70 percent of funds shall be available to rural or urban areas and other priorities in accordance with this subdivision. (B) For purposes of subdivision (a), rural communities are defined by any county with fewer than 400 residents per square mile. (2) Age priorities based on the extent of need for child care and development supply-building efforts for children of different age groups. (3) Income priorities based on the extent of need for child care and development supply-building efforts to benefit families transitioning to work or other lower income families. (4) Program priorities based on the extent of facilities needs among specific kinds of providers, including those that contract to administer state and federally funded child care and development programs administered by the State Department of Education, providers who have lost classrooms due to class size reduction or other state or local initiatives, or providers that need to expand to meet the needs of a child care initiative for recipients of aid under Chapter 3 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program. (f) The program priorities shall reflect input from representatives of diverse sectors of the child care and development field, financial institutions, local planning councils, the **Child Development Programs Advisory Committee**, and the State Department of Social Services for purposes of identifying communities with high percentages of recipients of aid under Chapter 3 (commencing with Section 11200) of Part 3 of Division 9 of the Welfare and Institutions Code, or any successor program, who need child care to meet work requirements. The department shall assess and report annually, commencing within 12 months of implementation of this section to the Legislature, after consultation with the State Department of Education, on the performance, effectiveness, and fiscal standing of the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund. The report shall include information on the number of defaults, the types of facilities in default, and a review of the adequacy of the set-aside for rural areas specified in paragraph (1) of subdivision (e). (g) The department shall adopt regulations and establish priorities, forms, policies and procedures for implementing and managing the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund and making the loan guarantees and direct loans authorized hereunder consistent with priorities provided by the State Department of Education. To the extent feasible, the department shall use applicant fees and points to cover its administrative costs. The department may utilize an amount of money from the Child Care and Development Facilities Loan Guaranty Fund and the Child Care and Development Facilities Direct Loan Fund, as appropriate, for reasonable administrative costs in any given fiscal year. Unless an appropriation for administrative costs is made in the annual Budget Act that exceeds the following limits, administrative expenditures shall not exceed 3 percent of the amount appropriated to each fund in the Budget Act of 1997. (h) The department shall adopt regulations for serving family daycare homes efficiently, including, but not limited to, making loans available from the Child Care and Development Facilities Direct Loan Fund to local micro enterprise loan funds and other lenders who may relend the funds in appropriate amounts to eligible family day care home providers or by authorizing a specified amount of guarantees of small loans by local micro enterprise loan funds and other lenders serving eligible family day care home providers. (i) The department may adopt regulations for the purposes of this section as emergency regulations in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the

Government Code. For the purposes of the Administrative Procedure Act, including Section 11349.6 of the Government Code, the adoption of the regulations shall be deemed to be an emergency and necessary for the immediate preservation of the public peace, health and safety, or general welfare, notwithstanding subdivision (e) of Section 11346.1 of the Government Code. Notwithstanding subdivision(e) of Section 11346.1, any regulation adopted pursuant to this section shall not remain in effect more than 180 days unless the department complies with all provisions of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, as required by subdivision (e) of Section 11346.1 of the Government Code.

8429. The **advisory committee established pursuant to Section 8286** shall also perform the following functions with regard to this article: (a) Review the establishment of all child care and employment funds, and gather public information as to the appropriateness and effectiveness of their implementation. (b) Serve in an advisory capacity to the Secretary of Child Development and Education, the Superintendent of Public Instruction and the Governor for program policy decisions. (c) Assist the State Department of Education in developing and reviewing guidelines for the administration of all child care and employment funds. (d) Make recommendations to the Governor, the State Department of Education, the State Department of Social Services, the Secretary of Child Development and Education, the Legislature, and the State Job Training Council with regard to program development and expansion of child care and employment funds.

8480. The **advisory committee established pursuant to Section 8286** shall perform all of the following functions with regard to this chapter: (a) Assist the State Department of Education in developing and reviewing guidelines for the administration of this chapter. (b) Serve in an advisory capacity to the Superintendent of Public Instruction and the Governor for program policy decisions. (c) Review the implementation of this chapter.

CALIFORNIA CODES GOVERNMENT CODE

4560. (a) The Legislature finds and declares that there is a substantial need to provide adequate child care facilities for state employees. (b) When the state constructs, acquires, or receives as a gift any office building that can accommodate 700 or more state employees, or when additions, alterations, or repairs are made to any existing state-owned office building that can accommodate 700 or more state employees, and the additions, alterations, or repairs both change and affect the use of 25 percent of the net square feet area of the building and include the addition to, alteration of, or repair of the first floor, adequate space shall be designated within the building to meet the child care needs of those employees, if a review of those employees slated to occupy the new or renovated building shows sufficient need for child care services for 30 or more children. The review shall be conducted by the Department of General Services and the **Child Development Programs Advisory Committee established pursuant to Section 8286 of the Education Code**.

(c) The Director of General Services may secure space in any adequate facility for the same purposes if funds for the offsite facilities are made available and the director determines that any

of the following conditions exist: (1) All other physical requirements controlling the development of the child care facilities within the office building cannot be utilized. (2) It is more cost-efficient for the state to provide for equivalent child care facilities within a reasonable distance of the place of employment. (3) Locating the child care center within a reasonable distance offsite would provide an enhanced facility for the children or would mitigate security concerns. (d) It is the intent of the Legislature that existing state office buildings, at the discretion of the Director of General Services, may be retrofitted to accommodate a child care facility. State funds required for the retrofitting shall be subject to regular budgetary procedures and approvals. (e) Space designed within a state-owned office building for the child care facility shall comply with the prevailing local and state safety building codes for child care facilities. (f) The indoor area shall not exceed 2,100 square feet, nor be less than that required to accommodate 30 children, excluding space for restrooms, kitchen facilities, storage areas, and teacher offices. Outdoor play area space shall correspond with the indoor play area as set forth in Title 22 of the California Code of Regulations. (g) Utilization of the space shall be subject to terms and conditions as set forth by the Director of General Services. The terms shall include payment of rent, proof of financial responsibility, and maintenance of space. The space shall be made available to the employees who wish to establish child care facilities at a rate to be established by the Director of General Services based upon the actual cost to the state, the average cost of state-owned space in the area, or the statewide average cost of state-owned space, whichever is less. If, however, the director determines that a lower rent must be charged to ensure the viability of a child care facility, the director may charge a lower rate. (h) (1) The employee-occupants shall be notified in writing by the department or departments occupying the building, of the availability of space to be used for a child care facility no earlier than 180 days prior to the projected date of occupancy of a new building or space provided as the result of additions, alterations, or repairs to an existing state-owned building, and the additions, alterations, or repairs that both change and affect the use of 25 percent of the net square feet area of the building and include the addition to, alteration of, or repair of the first floor. If, within 30 days after full occupancy of a new office building or 30 days after the completion of additions, alterations, or repairs to an existing state-owned office building, the employee-occupants so desiring have not filed an application with the Secretary of State as a nonprofit corporation for the purpose of organizing a child care center, deposited two months' rent in a commercial or savings account, and entered into a contract with the Department of General Services, the space may be used for any other purpose, as long as no permanent alteration of the space occurs. Other purposes may include, but are not limited to, conference rooms, storage areas, or offices. The space for child care shall be held for the employee-occupants' nonprofit corporation only as long as they pay the monthly rent and meet the terms set forth in the contract. Payment of rent shall commence 30 days after full occupancy of a new office building or 30 days after completion of additions, alterations, or repairs, as specified in this section (2) If at a later date, the employee-occupants so desiring (A) file an application with the Secretary of State as a nonprofit corporation for the purpose of organizing a child care facility, (B) deposit two month's rent in a commercial or savings account, and (C) notify the Director of General Services of those actions, then the space shall be reconverted for child care purposes within 180 days of the notice. (i) Children of whom at least one parent or guardian is a state employee shall be given priority admission, over other children, to the child care facility.

(j) When a child care center within a state-owned office building has been operative for five years, the Director of General Services shall assess the child care needs of the state employees using the center and the office space needs of the building within which the center is located. If the assessment demonstrates a greater need for office space than for child care, the Director of General Services may close the child care center. Ninety days' written notice shall be given to the director or head teacher of the center of the closure. (k) This section does not apply to buildings that provide care or 24-hour residential care for patients, inmates, or wards of the state, such as state hospitals and correctional facilities.

4561. Child care facilities for the employees of the California State University and Colleges and the University of California shall be incorporated into the campus master plans and constructed subject to the provision of state funding appropriations by the Legislature. Determination of the need for, eligibility for use, and utilization of those facilities, shall be subject to terms and conditions of the trustees and the regents. For the purposes of this chapter, only this section shall apply to the California State University and Colleges system and the University of California.

4562. This chapter shall not apply to the design of new state office buildings, additions, alterations, or repairs of existing state-owned office buildings, where the Public Works Board has approved, prior to the effective date of this chapter, the commencement of the working drawing phase of the new state office building.

4563. (a) Sections 4560, 4561, and 4562 are not applicable to any state-owned transportation facility. (b) Space at a state-owned transportation facility may be leased by competitive bid, taking into consideration affordability and quality of care, to a child care operator who has obtained licensure as required by Section 1596.80 of the Health and Safety Code. First priority for child care services provided by the center shall be given to children of state employees who work at the transportation facility and second priority shall be given to children of users of the transportation facility. (c) No state funds shall be provided to any child care operator pursuant to this section unless all of the following conditions are met: (1) The child care facility is open to children without regard to any child's religious beliefs or any other factor related to religion. (2) No religious instruction is included in the child care program. (3) The space in which the child care program is operated is not utilized in any manner to foster religion during the time it is used for child care. (d) The Legislature finds and declares that the use of public property or facilities for the purpose of furnishing child care services for the benefit of persons using public transit is in the public interest and serves a public purpose.

CALIFORNIA CODES

HEALTH AND SAFETY CODE

1596.87. The department shall institute a staff development and training program within the organizational structure to develop among staff the knowledge, understanding of children and child care, and regulatory administration necessary to successfully carry out this act. Specifically, the department shall do all of the following: (a) Provide staff with 36 hours of training per year that reflect the unique needs of children. The training shall include training

relating to regulation administration, including communication skills, writing skills, and human relations skills. (b) Find ways to encourage applications from individuals with child care provider experience or educational backgrounds applicable to the provision of child care. (c) Provide new staff with comprehensive training within the first six months of employment. This training shall, at a minimum, include the following core areas: administrative action process, client populations, conducting facility visits, cultural awareness, documentation skills, facility operations, human relation skills, interviewing techniques, investigation processes, and regulation administration. This program shall also provide new staff who have earned fewer than 16 semester units in child development or early childhood education from an accredited college at least 40 hours of preservice training in child development or early childhood education. (d) **Submit for approval to the advisory committee established in Section 8286** of the Education Code a plan for meeting the provisions of subdivisions (a) and (c).

1596.873. The advisory committee established pursuant to Section 8286 of the Education Code shall perform all of the following functions with regard to this act: (a) Assist the department in developing and reviewing guidelines for the administration of this act. (b) Review the implementation of this act. (c) Make written recommendations to the Legislature, the Governor, and the department by December 31, 1985, with regard to possible improvements to facilitate the implementation of this act. (d) Advise the director regarding regulations, policy, and administrative practices pertaining to the licensing of child daycare facilities.